#### NEW YORK DISTRICT COUNCIL OF CARPENTERS

Union Trustees

Frank G. Spencer Co-Chairman Lawrence D'Errico Charles Harkin Peter Thomassen

#### BENEFIT FUNDS

Stuart R. GraBois
Executive Director

395 Hudson Street New York, N.Y. 10014 Telephone: (212) 366-7300 Fax: (212) 366-7444 MANAGEMENT TRUSTEES Paul O'Brien Co-Chairman John A. Brunetti George Greco David T. Meberg Kevin O'Callaghan Michael Weber

June 16, 2010

HR H Construction LLC 50 Main Street 15th Floor White Plains, NY 10606

RE: Delinquency in Fringe Benefit Contributions for the period 09/06/2009 - 04/11/2010

Dear Sir/Madam:

Enclosed are the results of the audit of the books and records of the above named company for the period indicated as performed by Schultheis & Panettieri, CPAs for the New York District Council of Carpenters Benefit Funds ("Funds"). The enclosed audit report indicates a delinquency in fringe benefit contributions in the amount of \$37,230.30. This figure represents principal, interest and interest due for the late payment of benefits during the audit period. Also, include a separate check for the Promo Fund in the amount of \$1,542.24.

IMPORTANT NOTICE: If this audit is paid within fourteen (14) days of the date of this letter, there will be no delinquency assessment charge of \$7,293.89. If payment is made after 14 days, kindly include the delinquency assessment of \$7,293.89 with your payment. Also, daily interest will be charged and added to any amounts due.

If you agree with the findings of the enclosed audit, you must pay the delinquent fringe benefit contributions within fourteen (14) days of the date of this letter. Mail your check, made payable to "NYDCC Benefit Funds", to Schultheis & Panettieri, CPAs at 210 Marcus Boulevard, Hauppauge, NY 11788-3701. Telephone: (631) 273-4778.

If you dispute the findings of this audit, you must respond within fourteen (14) days of the date of this letter by submitting detailed exceptions to Schultheis & Panettieri, CPAs at the address listed above. Your exceptions will be reviewed and a response given to you shortly thereafter. At that point, immediate payment of any delinquencies will be required.

If you do not have the ability for an immediate payment and need a payment plan, please contact Dan Ryan of the Legal Department of the Funds at (212) 366-7522. Please be aware that any payment plan is strictly subject to approval by the Delinquency Committee or the Board of Trustees.

If you fail to pay the delinquent fringe benefit contributions within fourteen (14) days from the date of this letter and have not submitted your exceptions to our CPAs within that time, the Funds may institute suit in Federal Court or commence an arbitration proceeding to collect the amount due and the additional damages to which they are entitled under the Employee Retirement Income Security Act, including (i) liquidated damages, (ii) interest imposed by statute, (iii) attorney's fees, and (iv) court costs. Also, the Funds may seize without further notice to you any surety your company may have posted, in which event your company may no longer be in compliance with its existing contract.

Also, The New York District Council Will Be Notified And Advised To Take Further Action.

Very truly yours,

Stuart R. GfaBóis,

**Executive Director** 

Schultheis & Panettieri, CPAs L. Powers D. Ryan P. Giudice



#### **NYDCC AUDIT NOTES**

5/19/2010

**Union Name:** 

NYDCC

Fed ID #: 13-4145236

**Employer:** 

HRH CONSTRUCTION LLC (POST-PETITION)

Telephone #:

(914)993-5559

Fax #:

(914)993-5902

**Account Types:** 

1/P

Account #:

239

**Audit Period:** 

From:

09/06/2009

To:

04/11/2010

**Employer Contact (Position):** 

**DEBORAH LAIDLOW** 

(PAYROLL MANAGER)

**Appointment Address:** 

50 MAIN STREET 15TH FLOOR, WHITE PLAINS, NY 10606

**Employer Current Address:** 

50 MAIN STREET 15TH FLOOR, WHITE PLAINS, NY 10606

**Employer Mailing Address:** 

50 MAIN STREET 15TH FLOOR, WHITE PLAINS, NY 10606

**Email Address:** 

n/a

**Principal** (Position): **BRAD SINGER** 

(PRESIDENT)

All Field Work Dates:

4/21/2010

Date Handed In For Review:

04/22/2010

**Auditors Name:** 

**CODY TACKTILL** 

**Total Deficiency:** 

\$ 44,524.19

Items Used To Complete This Audit

**Type Of Payroll Viewed:** 

ADP WEEKLY, TIMBERLINE

**Quarterly Taxes:** 

YES

Shop Steward Reports: YES

W2's:

YES

General Ledger:

YES

Cash Disbursements Journal

YES

Other Trade Reports:

NO NO

**Exit Interview:** 

**Audit Results Discussed With:** 

**DEBORAH LAIDLOW** 

(PAYROLL MANAGER)

Date:

04/21/2010

YES Agreed to findings?

**Audit Notes:** 

Reason For Audit: BANKRUPTCY

The findings are due to insufficient benefit purchases (938.0 hours).

Are there any shortage claims filed for report dated 05/19/2010

Late payment interest totaling \$69.92 is also included in the above deficiency.

The Contractors Association of Greater New York promo fund was not paid into for (133.0 hours), therefore these hours were included in the promo fund assessment.

The last quarterly taxes viewed were 4th quarter 2009. 1st quarter 2010 taxes were not yet filed.

The company filed Chapter 11 Bankruptcy on September 6, 2009. This is the post-petition part of the audit.

All documents were titled HRH III LLC, but had HRH Construction LLC tax ID number listed. HRH Construction LLC is traded as HRH III LLC.

#### NEW YORK DISTRICT COUNCIL OF CARPENTERS BENEFIT FUNDS

5/19/2010

**Employer** H R H CONSTRUCTION LLC (POST-PETITION)

Address 50 MAIN STREET 15TH FLOOR, WHITE PLAINS, NY 10606

Mail Recap To 50 MAIN STREET 15TH FLOOR, WHITE PLAINS, NY 10606

Email Address n/a

Contact DEBORAH LAIDLOW Position PAYROLL MANAGER

Principal BRAD SINGER Position PRESIDENT

**Audit Period** 09/06/2009 - 04/11/2010 **Account(s)** 1/P 239

<u>Agreement</u> Periods

Contractors Assn of Greater NY, Inc. 07/01/2002 **To** 06/30/2011

**Surety Information** 

No Current Surety

Fringe Benefits Due	
Principal	\$ 36,469.44
Interest thru 05/19/2010	690.94
Late Payment Interest	69.92
Sub Total (if paid within 14 days)	37,230.30
20% Delinquency Assessment	 7,293.89
Total Due (if paid after 14 days)	\$ 44,524.19

Promotional Fur	nd	
Contractors Association Of Great	er New Y	ork
Adjusted Due	\$	1,542.24
Balance Due-Current Audit	\$	1,542.24

#### NYDCC ANALYSIS OF FINDINGS

5/19/2010

**Employer** 

HRH CONSTRUCTION LLC (POST-PETITION)

**Audit Period** 

09/06/2009

To 04/11/2010

Account #

239

Hours	Principal	Account	Period	%
427.00 511.00	16,601.76 19,867.68	Journey Journey	2009/2nd half 2010/1st half	45.52 54.48
\$	36,469.44			
	0.00			
	36,469.44	<del></del>		
	690.94			
	7,293.89			
\$	44,454.27	-		
	427.00 511.00	\$ 36,469.44 0.00 36,469.44 690.94 7,293.89	\$ 36,469.44	\$ 36,469.44  690.94  7,293.89

#### **NYDCC PURCHASE ANALYSIS**

	Group Number	Work Period	Deposit Date	Reported Hours	Days Late	L	_ate Interest Due	
111	111	09/20/2009	12/23/2009	133.00	94.00		69.92	
	Total	s for group number 1	11 ===>	133.00		·	69.92	
		Total Late Inter	est Due :	133.00	24	\$	69.92	

# NYDCC FRINGE BENEFIT DEFICIENCY HOURLY REPORT

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	Adjusted Total		35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	21.00	35.00	35.00	35.00	21.00	21.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	938.00	938.00
	Revision		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00.0	0.00	0.00	0.00	0.00	0.00	0.00	00.00	0.00	00.00	0.00	00.0	00.0	0.00	00:00	00.0	00.0	00.0	00:0	0.00	0.00	0.00
	Pymt Plan		0.00	0.00	00.00	0.00	0.00	00.00	00.00	00.00	00.0	00.00	00.00	0.00	00.00	00.00	00:00	00.00	00.00	00.00	00:00	00.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Difference		35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	21.00	35.00	35.00	35.00	21.00	21.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	938.00	938.00
Hours	Funded Benefits		0.00	0.00	00:00	00.00	00:00	0.00	00.00	00.00	00.00	00.00	00.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Total Audited		35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	21.00	35.00	35.00	35.00	21.00	21.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	938.00	938.00
	Shop Steward		0.00	00.0	0.00	00.00	0.00	00.00	00.0	00.0	00.0	0.00	0.00	00.0	0.00	0.00	0.00	0.00	00.0	00.00	0.00	00.00	0.00	00.0	00:00	00.00	00.00	0.00	0.00	0.00	0.00	0.00
	Out of Juris		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	Addi PR		0.00	00.0	0.00	0.00	0.00	00.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	00.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	PR		35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	21.00	35.00	35.00	35.00	21.00	21.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	938.00	938.00
	Name		KUKS*EDWARD	r 111 ==>	Report Totals ===>																											
	SSN	r 111	XXX-XX-5243	Totals for group number 111	Reg																											
	Week Ending	Group Number 111	10/04/2009	10/11/2009	10/18/2009	10/25/2009	11/01/2009	11/08/2009	11/15/2009	11/22/2009	11/29/2009	12/06/2009	12/13/2009	12/20/2009	12/27/2009	01/03/2010	01/10/2010	01/17/2010	01/24/2010	01/31/2010	02/02/2010	02/14/2010	02/21/2010	02/28/2010	03/07/2010	03/14/2010	03/21/2010	03/28/2010	04/04/2010	04/11/2010	Totals	

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### NYDCC FRINGE BENEFIT DEFICIENCY

### H R H CONSTRUCTION LLC (POST-PETITION) Account #239 From 09/06/2009 To 04/11/2010

1	SSN	Name	Group Number	Total Hours	Fringe Rate	Fringes Due	Interest	Total Amt Due
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	44.43	1,405.23
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	43.06	1,403.86
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	41.69	1,402.49
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	40.32	1,401.12
	XXX-XX-5243	KUKS*EDWARD	11	35.00	38.88	1,360.80	38.95	1,399.75
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	37.58	1,398.38
	XXX-XX-5243	KUKS*EDWARD	11	35.00	38.88	1,360.80	36.21	1,397.01
	XXX-XX-5243	KUKS*EDWARD	11	35.00	38.88	1,360.80	34.84	1,395.64
	XXX-XX-5243	KUKS*EDWARD	111	21.00	38.88	816.48	20.08	836.56
	XXX-XX-5243	KUKS*EDWARD	11	35.00	38.88	1,360.80	32.10	1,392.90
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	30.73	1,391.53
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	29.36	1,390.16
	XXX-XX-5243	KUKS*EDWARD	11	21.00	38.88	816.48	16.79	833.27
	XXX-XX-5243	KUKS*EDWARD	111	21.00	38.88	816.48	15.97	832.45
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	25.25	1,386.05
-	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	23.88	1,384.68
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	22.51	1,383.31
	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	21.14	1,381.94
•	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	19.77	1,380.57
-	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	18.40	1,379.20

5/19/2010 Page 1 of 2

Week			Group	Total	Fringe	Fringes		Total Amt
Ending	SSN	Name	Number	Hours	Rate	Due	Interest	Due
02/21/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	17.03	1,377.83
02/28/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	15.66	1,376.46
03/07/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	14.29	1,375.09
03/14/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	12.92	1,373.72
03/21/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	11.55	1,372.35
03/28/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	10.18	1,370.98
04/04/2010	XXX-XX-5243	KUKS*EDWARD	111	35.00	38.88	1,360.80	8.81	1,369.61
04/11/2010	XXX-XX-5243	KUKS*EDWARD	<del></del>	35.00	38.88	1,360.80	7.44	1,368.24
₽	Totals for Group Number 111 ===>	mber 111 ===>		938.00		36,469.44	690.94	37,160.38
		Grand Totals ===>		938.00		36,469.44	690.94	37,160.38

#### NYDCC Quarterly Report

		Ξ	H R H CONSTRUCTION Accoun From 09/06/2009	JCTION LLC (F Account #239 /06/2009 To 04	LLC (POST-PETITION) It #239 3 To 04/11/2010	ETITION)						property of
								Hours				
Name	Quarter Ending	NSS	Group Number	ጸ	Addi PR	Out of Juris	Shop Steward	Total Audited	Funded Benefits	Pymt Plan	Revisions	Adjusted Total
KUKS*EDWARD	2009/3rd	XXX-XX-5243	111	133.00	0.00	0.00	0.00	133.00	133.00	0.00	0.00	000
KUKS*EDWARD	2009/4th	XXX-XX-5243	111	427.00	0.00	0.00	0.00	427.00	0.00	0.00	0.00	427.00
KUKS*EDWARD	2010/1st	XXX-XX-5243	111	441.00	0.00	0.00	0.00	441.00	0.00	0.00	00:0	441.00
KUKS*EDWARD	2010/2nd	XXX-XX-5243	111	70.00	0.00	00.00	0.00	70.00	00.00	0.00	00.00	70.00
				1,071.00	0.00	0.00	0.00	1,071.00	133.00	0.00	0.00	938.00
				1,071.00	0.00	0.00	0.00	1,071.00	133.00	0.00	00.0	938.00

## NYDCC AUDIT HOURS BY WEEK ENDING DATE

### H R H CONSTRUCTION LLC (POST-PETITION) Account #239 From 09/06/2009 To 04/11/2010

		,					Hours	S				•
Group Number	p er SSN	Name	PR	Addi PR	Out of Juris	Shop Steward	Total Audited	Funded Benefits	Difference	Pymt Plan	Revisions	Adjusted Total
11	09/20/2009 XXX-XX-5243	KUKS*EDWARD	133.00	0.00	00:00	0.00	133.00	133.00	0.00	00.00	0.00	0.00
111	10/04/2009 XXX-XX-5243	KUKS*EDWARD	35.00	00.00	0.00	0.00	35.00	0.00	35.00	00.0	0.00	35.00
111	10/11/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
11	10/18/2009 XXX-XX-5243	KUKS*EDWARD	35.00	00.00	0.00	0.00	35.00	00:00	35.00	0.00	0.00	35.00
<del></del>	10/25/2009 XXX-XX-5243	KUKS*EDWARD	35.00	00.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
. 11	11/01/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	00.00	35.00
, <del>L</del>	11/08/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	00.0	35.00	0.00	35.00	0.00	0.00	35.00
, <del>L</del>	11/15/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
, <del>E</del>	11/22/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
<del>-</del> <del>-</del> <del>-</del> -	11/29/2009 XXX-XX-5243	KUKS*EDWARD	21.00	0.00	0.00	0.00	21.00	0.00	21.00	0.00	0.00	21.00
£	12/06/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
<del>+</del> <del>+</del> +	12/13/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
<del></del>	12/20/2009 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00

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### H R H CONSTRUCTION LLC (POST-PETITION) Account #239 From 09/06/2009 To 04/11/2010

Hours

	,					Hours	ırs				•
Group Number SSN	Name	A.	Addi	Out of Juris	Shop Steward	Total Audited	Funded Benefits	Difference	Pymt Plan	Revisions	Adjusted Total
12/27/2009 111 XXX-XX-5243	KUKS*EDWARD	21.00	0.00	0.00	0.00	21.00	0.00	21.00	00:00	0.00	21.00
01/03/2010 111 XXX-XX-5243	KUKS*EDWARD	21.00	0.00	0.00	0.00	21.00	0.00	21.00	0.00	0.00	21.00
01/10/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
01/17/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
01/24/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	00.00	35.00	0.00	0.00	35.00
01/31/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
02/07/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	00.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
02/14/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
02/21/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	00:00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
02/28/2010 111 XXX-XX-5243	KUKS⁴EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
03/07/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.0	0.00	35.00
03/14/2010 111 XXX-XX-5243	KUKS*EDWARD	35.00	0.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00
03/21/2010 111 XXX-XX-5243	KUKS⁴EDWARD	35.00	00.00	0.00	0.00	35.00	0.00	35.00	0.00	0.00	35.00

Page 2 of 3 05/19/2010

### H R H CONSTRUCTION LLC (POST-PETITION) Account #239 From 09/06/2009 To 04/11/2010

		H K H CONSTRUCTION LLC (POST-PETITION) Account #239 From 09/06/2009 To 04/11/2010	Acc From 09/06/2	JC HON LLC (POST-PE Account #239 //06/2009 To 04/11/2010	OSI-PETIT 11/2010	(XO					• , ,
						Hours	ध				·
Group Number SSN	Name	A R	Addil PR	Out of Juris	Shop Steward	Total Audited	Funded Benefits	Difference	Pymt	Revisions	Adjusted
03/28/2010 111 XXX-XX-5243 KUKS*EDWARD	KUKS*EDWARD	35.00	0.00	0.00	00.00	35.00	0.00	35.00	0.00	0.00	35.00
04/04/2010 111 XXX-XX-5243 KUKS*EDWARD	. KUKS*EDWARD	35.00	00.00	0.00	00.00	35.00	0.00	35.00	0.00	0.00	35.00
04/11/2010 111 XXX-XX-5243 KUKS*EDWARD	KUKS*EDWARD	35.00	00:00	0.00	00.00	35.00	0.00	35.00	0.00	0.00	35.00
		1,071.00	0.00	0.00	0.00	1,071.00	133.00	938.00	0.00	0.00	938.00

05/19/2010

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## NYDCC PROMOTIONAL FUND CALCULATION

H R H CONSTRUCTION LLC (POST-PETITION)

239

Employer Account #

5/19/2010

7 7 6				Hours			
Period	Promo Type	Rate / Hour	Deficiency	Unpaid	Total	Am	Amount Due
Promotional Fund	Contractors Association Of Greater New York						3
09/06/2009 To 04/11/2010	09/06/2009 To 04/11/2010 Contractors Association Of Greater New York	1.44	938.00	133.00	1,071.00	↔	1,542.24
	Sub totals for Contractors Association Of Greater New York	New York	938.00	133.00	1,071.00		1,542.24

1,542.24	₩	TOTAL
0.00		ON ACCOUNT
1,542.24		SUBTOTAL